



Judd Gregg, Chairman
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February 10, 2005

Ensign, Gregg to Introduce Medical Litigation Reform Bill

HEALTH Act a Comprehensive Approach to Malpractice Reform

WASHINGTON—Budget Committee member John Ensign (R-NV) and Judd Gregg (R-NH), who chairs the committee, today announced introduction of the Help Efficient Accessible, Low-Cost, Timely Healthcare (HEALTH) Act, a comprehensive medical litigation reform bill that addresses the need for federal action due to soaring malpractice premium costs and resulting limited access to patient care.

“The status quo is not acceptable,” said Senator Gregg. “We know the system is broken when it is easier to sue a doctor than to see one. Congress must make the necessary reforms so that providers no longer have to leave their practices in states where liability premiums are too costly.

“Patients will continue to be at risk if they cannot find a provider to treat them. Meanwhile, courts continue to be clogged by frivolous lawsuits that have resulted in increased premiums and a gaping hole in this country’s health care system left by providers who were forced to retire early or move their practices to non-crisis states to avoid potential litigation.

“This bill encourages quick and efficient resolution of claims while establishing fair criteria for compensation in order to trim the number of lawsuits, which in effect will drive down costs of insurance premiums and allow patients easier access to medical care.”

Senator Ensign said, “Medical liability reform is not a Republican or Democrat issue or even a doctor verses lawyer issue. It is a patient issue. With the medical crisis occurring in many states around the nation, our opportunity to enact true reform is here. Comprehensive medical liability reform is the right prescription right now.”

The HEALTH Act parallels the bill Senators Ensign and Gregg introduced last year in the 108th Congress, S. 607.

(more)

In addition to the comprehensive HEALTH Act, Senator Gregg also plans to introduce legislation focused on medical malpractice reform in the specialized areas of obstetrics-gynecology and trauma care.

Among other things, the HEALTH Act:

- Imposes a cap of \$250,000 on non-economic damages in medical malpractice lawsuits
- Establishes a statute of limitations that guarantees health care lawsuits are filed no later than 3 years after the date of injury
- Awards punitive damages by establishing criteria for the plaintiff to prove malicious intent or deliberate failure to act by the provider
- Establishes “fair share rule” so that each party is liable to pay for their own share of jury award
- Maximizes patient recovery by limiting attorney contingency fees
- Prevents duplication of awards and directs liability to responsible party

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